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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,614	03/21/2005	Chee Yu Ng	SG02 0018 US	4038

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NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

PHAN, RAYMOND NGAN

ART UNIT	PAPER NUMBER
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2111

NOTIFICATION DATE	DELIVERY MODE
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12/12/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

Office Action Summary	Application No. 10/528,614	Applicant(s) NG ET AL.	
	Examiner RAYMOND N. PHAN	Art Unit 2111	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4,5 and 7-9 is/are allowed.
- 6) ☒ Claim(s) 1-3,10 and 11 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09022008</u> . | 6) <input type="checkbox"/> Other: _____ |

Part III DETAILED ACTION

Notice to Applicant(s)

1. This action is responsive to the following communications: the RCE filed on September 2, 2008.
2. This application has been examined. Claims 1-5, 7-13 are pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1-3, 10-11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Overtoom et al. (US No. 6,732,218).

In regard to claim 1, Overtoom et al. disclose a bus station 102 for use in a bus communication system (i.e. USB), comprising a first communication port 202 and a second communication port 204, being arranged to operate in a first mode upon detection of the presence of a host station 600 coupled to said second port and to operate in a second mode upon detection of the absence of a host station coupled to said second port (see figure 6, col. 5, lines 47-59), said bus station 102 being arranged in said first mode (i.e. port B connected) of operation to pass communication between said host station coupled to said second port 204 and a

device station coupled to said first port 202 (see figure 6, col. 5, lines 47-59), said bus station further being arranged to operate as an alternate host station (i.e. 102 as host) in said second mode (i.e. port B is not connected) of operation, by communicating with the first device station coupled to said first port according to a communication protocol whereby said bus station initiates communications (see figure 6, col. 5, lines 55-59) and to communicate with the first device station coupled to the first port on behalf of a further device 106 coupled to the second port (i.e. port A), whereby the further device station appears as a host station to the first device station (see figure 12, col. 9, lines 5-16).

In regard to claim 2, Overtoom et al. disclose wherein said bus station is arranged to operate as a USB transceiver (i.e. normal USB hub) in said first mode (i.e. port B connected) of operation (see figure 7, col. 5, lines 47-55) and to operate as a USB host in said second mode of operation (see figure 7, col. 5, lines 55-59).

In regard to claim 3, Overtoom et al. disclose wherein said bus station further comprises transceiver circuitry 200 coupled to said first and second port for passing communication between said host station coupled to said second port and said device station in said first mode of operation (see figure 6, col. 5, lines 23-32).

In regard to claim 10, Overtoom et al. disclose wherein the bus station is further arranged to operate in the first mode upon detecting the host station coupled to first communication port and to pass communication between the host station coupled to the first communication port and a device coupled to the second port in the first mode (see col. 5, lines 47-59).

In regard to claim 11, Overtoom et al. disclose wherein the further device station coupled to the second communication port include a device controller and

the further device station is arranged to operate under control of host emulation software (see col. 4, lines 11-45).

Allowable Subject Matter

5. Claims 4-5, 7-9 are allowable over the prior of records.
6. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is an Examiner's statement of reasons for the indication of allowable subject matter: Claims 12-13 are allowable over the prior art of record because the prior arts, cited in its entirety, or in combination, do not teach wherein, in the second mode of operation, host emulation software emulates the presence of host station driver software to the first device station and the host emulation software emulates the presence of device station driver software to the device controller of the further device station (claim 12); wherein, in the second mode of operation, the host emulation software translates communications between the device controller of the further device station and the first device station coupled to the first communication port (claim 13).

The reason for allowance of claims 4-5 can be found in the previous Office Action.

Response to Arguments

8. In view of amendment and remark filed on September 2, 2008, claims 1-3 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., two non-host devices to communicate with each other that are

connected to A-ports 202) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Glens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

9. Claims 1-3, 10-11 are rejected. Claims 4-5, 7-9 are allowed. Claims 12-13 are objected.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Raymond Phan, whose telephone number is (571) 272-3630. The examiner can normally be reached on Monday-Friday from 6:30AM- 4:00PM. The Group Fax No. 571-273-8300.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**raymond.phan@uspto.gov**].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 central telephone number is (571) 272-2100.

**/RAYMOND N PHAN/
Primary Examiner, Art Unit 2111**